

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JO ANN HOWARD &)
ASSOCIATES, P.C., *et al.*,)
Plaintiffs,)
vs.) Case No. 4:09CV01252 ERW
J. DOUGLAS CASSITY, *et al.*,)
Defendants.)

MEMORANDUM AND ORDER

This matter comes before the court upon “Plaintiffs’ Motion to Enforce Court Order Requiring Production of Personal Financial Information by Brent Cassity” [ECF No. 1336].

On September 18, 2013, this Court issued an Order, which, among other things, required Brent Cassity to produce to Plaintiffs “all personal banking statements, credit card statements, and financial statements pertaining to the financial status of said individual[], for the period between July 1, 2011 to present [ECF No. 1279 at 11-12]. Two weeks after this Court issued the Order, Brent Cassity sent Plaintiffs’ counsel an email stating: “I do not have any bank accounts or credit cards that are not joint accounts with my wife” [ECF NO. 1336-1 at 2]. Following that communication, Brent Cassity did not contact Plaintiffs’ counsel or indicate any intent to produce documents, and in a subsequently filed Response, he insisted he had complied with the Court’s Order by informing Plaintiffs he had no “personal accounts” [ECF No. 1348].

In their Reply, Plaintiffs contended Brent Cassity’s “repeated discovery violations and continued refusal to obey court orders warrant[ed] the sanction of default judgment against him

and the waiver of any personal privileges Cassity may have as to pre-receivership documents within his possession, custody, or control” [ECF No. 1354 at 3]. Plaintiffs asked the Court to set a five-day deadline for Brent Cassity “to produce all personal banking statements, credit card statements, and financial statements pertaining to his financial status for the period between July 1, 2011 to present, as ordered by the Court[,]” and requested the Court to hold Brent Cassity in contempt until such documents were produced.

On December 20, 2013, the Court issued an Order, holding hold in abeyance Plaintiffs’ request for the sanction of default judgment, and directing Brent Cassity to produce to Plaintiffs, within ten (10) days of entry of the Order, all personal banking statements, credit card statements, and financial statements pertaining to his financial status for the period between July 1, 2011 to present, as ordered by the Court [ECF No. 1359]. This production was to include documents pertaining to any financial interest, separately held, or jointly held with any individual or entity. The Order warned that failure to produce the documents as ordered likely would result in an order holding Brent Cassity in contempt of court.

Upon review of a motion to enforce a prior order requiring certain defendants to pay attorney fees, which was pending before the Court on February 21, 2014, the Court ordered Plaintiffs to provide the parties and the Court a Status Report concerning their examination of documents supplied to Plaintiffs by Brent Cassity and various other defendants [ECF No. 1405]. Consequently, Plaintiffs filed a Status Report on March 7, 2014, informing the Court as to the receipt and content of documents supplied by, among other defendants, Brent Cassity [ECF Nos. 1440, 1440-1 through 1440-8, 1442, 1442-1 through 1442-23]. Following its examination of the March 7, 2014 Status Report, the Court granted the plaintiffs’ pending Motion to Enforce on

March 12, 2014, but denied, with leave to file a formal motion at a later date, the plaintiffs' request for additional expenses [ECF No. 1450].

Among other things, the Status Report indicates that Brent Cassity has substantially complied with this Court's Order directing him to produce certain financial information. Accordingly, the Court declines Plaintiffs' request for entry of default judgment as a sanction against Brent Cassity, and will deny, as moot, "Plaintiffs' Motion to Enforce Court Order Requiring Production of Personal Financial Information by Brent Cassity" [ECF No. 1336].

Accordingly,

IT IS HEREBY ORDERED that "Plaintiffs' Motion to Enforce Court Order Requiring Production of Personal Financial Information by Brent Cassity" [ECF No. 1336], is **DENIED, as moot.**

Dated this 13th day of March, 2014.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE